

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CARLO CICCONE,

Plaintiff,

V.

MEMBERHEALTH, LLC,

Defendant.

CASE NO. 1: 09 CV 446

JUDGE DONALD C. NUGENT

## JUDGMENT

Pursuant to a Memorandum Opinion and Order of this Court, the Report and Recommendation of Magistrate Judge Nancy A. Vecchiarelli is ADOPTED (ECF # 15), and Defendant's Motion to Dismiss is GRANTED (ECF # 4). Specifically, the Report and Recommendation is ADOPTED in its entirety (ECF # 15), and Defendant's Motion to Dismiss is GRANTED as to Count III of the Amended Complaint (ECF # 4). Plaintiff's remaining claims are hereby REMANDED to the Court of Common Pleas for Cuyahoga County, Ohio. This case is TERMINATED.

IT IS SO ORDERED.

s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: June 12, 2009